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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,399	03/27/2001	Takayuki Iyama	450100-03044	2792

20999 7590 11/16/2005

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NEW YORK, NY 10151

EXAMINER

EDWARDS, PATRICK L

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/818,399

Applicant(s)

IYAMA, TAKAYUKI

Examiner

Patrick L. Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 August 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-10 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 August 2005 has been entered.

### *Claim Objections*

2. The follow quotations of 37 CFR § 1.75(a) and (d)(1) provide the basis of objection:

(a) The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

3. Claims 1-10 are objected to under 37 CFR § 1.75(a) as failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention or discovery.

Regarding independent claims 1 and 7, the metes and bounds of the term "normal image component" are not clear as currently recited in the claim. Specifically, it is unclear why one image component would be considered normal, and another not. What characteristics of the image component dictate this decision?

Claims 2-6, and 8-10 are similarly rejected because the indefiniteness of the independent claims trickles down the claim tree and is absorbed by the dependent claims.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by MacInnis et al. (USPN 6,573,905).

With regard to claim 1, which is representative of claim 7, MacInnis discloses setting a blending coefficient alpha (which has a value between 0 and 1) at a specified value proportional to a value of a specific picture element component included in picture element components A of a first image when said value of the specific picture element indicates a normal image component (col. 110 lines 35-56: The alpha value disclosed in MacInnis is analogous to the blending coefficient recited in the claim. MacInnis discloses performing a comparison operation, and then setting the alpha value at 1 if this comparison comes out negative (i.e. a normal image component is

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found). MacInnis further discloses that this alpha value can either be set at 1 (i.e. a single alpha value) or that it can be set to a value proportional to a specific picture element value (see lines 37-42 for three other alpha determination methods which anticipate this limitation).).

MacInnis further discloses setting the specified value to zero if the specific picture element does not indicate a normal image component (col. 110 lines 35-56: MacInnis discloses setting the alpha value to zero if a comparison operation gives a positive result (i.e. it is not a normal image component).).

MacInnis further discloses a means for performing an operation on the picture element components A, the picture element components B of a second image, and the blending coefficient alpha by using the formula  $(B * (1 - \alpha) + A * \alpha)$  (col. 110 line 20). The Top Layer and Bottom Layer disclosed in MacInnis correspond to the first and second images, respectively, as recited in the claim.

With respect to the limitation that the first image is a still image and the second image is a moving image, MacInnis discloses that the top and bottom layers (i.e. the first and second images) are "graphics layers" (col. 110 line 17). MacInnis further discloses that "graphics" includes graphics, text, or video (col. 1 lines 59-60). Thus, MacInnis discloses the first image as a still image (a graphics or text image) and the second image as a moving image (i.e. a video image).

MacInnis further discloses performing this operation on all the picture element components which have a specific picture element component representing the predetermined value (col. 110 lines 20-30). The image pixels disclosed in MacInnis are analogous to the picture elements as recited in the claim.

With regard to claim 2, the claim will be interpreted as follows. The predetermined value of a specific picture element component in a first image, which corresponds to a specified value of a blending coefficient, is a value which falls outside of a specified range and does not affect image display.

MacInnis discloses a predetermined value of zero (col. 110 line 66 – col. 111 line 5). This predetermined value falls outside of a specified range (16-235) and does not affect the display of the image (transparent).

With regard to claim 3, MacInnis further discloses the specific picture element component is a luminance component (col. 110 line 66 – col. 111 line 5).

With regard to claim 4, MacInnis further discloses setting the blending coefficient at zero when the specific picture element component is zero, and setting it to unity when the component is other than zero (col. 110 line 66 – col. 111 line 5).

With regard to claim 5, MacInnis further discloses setting the blending coefficient at zero when the specific picture element component is zero, and setting it to a specified value that satisfies,  $0 < \alpha \leq 1$ , when the component is other than zero (col. 110 line 66 – col. 111 line 5).

With regard to claim 6, MacInnis further discloses that the data of both the first and second images are data in an ITU-R601 format having a luminance component and a color difference component as said picture elements A and B, respectively (col. 6 lines 40-49).

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Regarding claim 8, MacInnis further discloses that the specific picture element component is a color component or a color difference component when image data includes a color component or a color difference component (MacInnis col. 110 lines 41-42: The reference describes that color is a specific picture element component).

Regarding claim 9, MacInnis further discloses that a relationship between the specific picture element component and the blending coefficient is preset in an image generation means (MacInnis col. 110 lines 34-43: The reference describes four different relationships—which are preset in an image generation means by a user.).

Regarding claim 10, MacInnis further discloses that a relationship between the specific picture element component and the blending coefficient is selected by a user (MacInnis col. 110 lines 34-43: The reference describes four different relationships—which are preset in an image generation means by a user.).

### *Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick L Edwards whose telephone number is (571) 272-7390. The examiner can normally be reached on 8:30am - 5:00pm M-F.

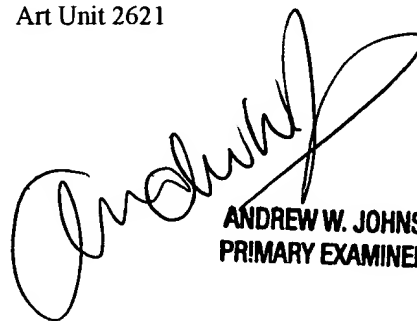
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Mancuso can be reached on (571) 272-7695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick L Edwards

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ANDREW W. JOHNS  
PRIMARY EXAMINER